IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20965 of 2004

Between:

Mr.Santhosh S/o.Late T.N.Sukumaran
R/o.LIG-8135, Dr.A.S.Rao Nagar, E.CI.L Post Hyderabad.

... PETITIONER

AND

1 The State of Andhra Pradesh rep. by its Secretary,

Ministry of Home, Secretariat Building, Hyderabad.
2 The Commissioner of Police, Vijayawada, Krishna District.
3 The Station House Officer (Law and Order),

Machavaram P.S., Vijayawada, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ and direct the respondents 2 and 3 to close the interrogation against the petitioner and consequently to file the charge sheet in Cr.No.348 of 2003 on the file of II Metropolitan Magistrate, Vijayawada within a month or any specific time as this Hon'ble Court may stipulated.

Counsel for the Petitioner: M/S.CLIENT & COUNSEL REP.,BY DR.DEVULAPALLI CHANDRA SEKHAR.

Counsel for the Respondents 1 TO 3: GP FOR HOME

The Court made the following :

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O R D E R:

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This writ petition is filed for issuance of a writ of mandamus to the respondents 2 and 3 to close the interrogation against the petitioner and for a further direction to them to file charge sheet in Crime No.348/2003, on the file of the II Metropolitan Magistrate, Vijayawada.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner is arrayed as Accused No.5 in the crime. Initially, he obtained an anticipatory bail from the Court of Metropolitan Sessions Judge, Vijayawada, in Crl.M.P.No.1084 of 2003. While granting the anticipatory bail, the Court imposed a condition that the petitioner shall appear before the concerned police station for interrogation whenever required. The petitioner filed Crl.M.P.No.4549 of 2003 before this Court for relaxation of the condition. Through an order dated 26.09.2003, this Court relaxed the condition to the effect that the petitioner shall appear before the police station on every second Saturday of the month, till the charge sheet is filed. Thereafter, the petitioner filed Crl.M.P.No.4059 of 2004, seeking to issue a direction to the respondents to close the investigation. The said Crl.M.P. was dismissed, leaving it open to the petitioner to seek further relaxation of the condition imposed against him.

It is urged on behalf of the petitioner that on several occasions of which he appeared before the police station in compliance with the condition, he was not interrogated, and on account of the prolongation of the matter without taking any steps in the process of investigation, he is put to mental agony and subjected to serious hardship.

In the counter affidavit filed on behalf of the respondents, it is categorically stated that having regard to the dimensions of the alleged crime, some more witnesses are to be examined and that certain documents have already been sent to handwriting expert. It is alleged that the report is awaited.

It is too difficult for this Court to direct an investigating agency to stop the investigation or interrogation at a particular stage. It shall be open to the investigating agency to take such steps as are needed till the charge sheet or the final report is filed into the Court. If there is undue and unwarranted delay in filing the final report, law provides for the consequences. However, an accused in an offence cannot insist that the investigation shall be stopped at a particular point. If he is facing any difficulty on account of being required to appear before the police station, he can certainly seek relaxation of the condition.

Hence, the writ petition is dismissed. There shall be no order as to costs.

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3rd December, 2004

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To

1 The Secretary,

Ministry of Home, Government of Andhra Pradesh,

Secretariat Building, Hyderabad.
2 The Commissioner of Police, Vijayawada, Krishna District.
3 The Station House Officer (Law and Order),

Machavaram P.S., Vijayawada, Krishna District.

4 Two C.Cs. to the Government Pleader for Home,

High Court buildings, Hyderabad (OUT)

5 Two C.D.copies